Chair Anne Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Gerald Vap present. Chair Boyle invited the public to address the Commission and also announced that a copy of the Nebraska Open Meetings Act was posted in the meeting room. No announcements were made.

GENERAL ADMINISTRATION

Notice was duly published August 5, 2008 on Page 7 of $\underline{\text{The}}$ $\underline{\text{Daily Record}}$ that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held August 12, 2008 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Monday, August 18, 2008:

10:00 Commission Hearing Room, Lincoln. Wireless E911 Advisory Board

COMMUNICATIONS DEPARTMENT

C-3940 In the Matter of NexuSTel, LLC, Miami, Florida, seeking a Certificate of Public Convenience and Necessity to provide resold Interexchange Telecommunications Services in the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3945/ In the Matter of the Commission, on its own motion, seek-NUSF 60.02 ing to conduct an investigation of Qwest Corporation's PI-138 Proposed Switched Access Charge Rates. Commissioner Frank Landis presiding as Hearing Officer: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting interventions and rescheduling the Planning Conference for August 18, 2008, at 1:00 p.m. in the Niobrara Conference Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3944 In the Matter of Global Connection Inc. of America d/b/a GCIA Corp, Atlanta, Georgia, seeking approval of a resale agreement with United Telephone Company of West, d/b/a Embarq, Overland Park, Kansas: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

COMMUNICATIONS DEPARTMENT (Cont.)

Gene Hand informed the Commissioners that the National Association of Regulatory Utility Commissioners (NARUC) filed a motion with the Federal Communications Commission (FCC) seeking an extension of the comment cycle in Docket CC 08-152.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-002 In the Matter of the Commission, on its own motion, seeking to determine the surcharge for the Enhanced Wireless 911 Fund: Motion made by Commissioner Tim Schram, seconded by Commissioner Rod Johnson, to enter an order scheduling a hearing for October 7, 2008 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Commissioner Jerry Vap was appointed as Hearing Officer.

911-020.02 In the Matter of Jeffrey L. Pursley, Director, Telecommunications Infrastructure and Public Safety Department, Complainant, v. 1-800-Reconex; Applied Communications Technology, Inc.; Arapahoe Telephone Company d/b/a ATC Communications; Cable USA III, LLC; Charter Fiberlink-Communications VI, LLC; Citistream Communications, Inc.; Community Internet Systems, Inc.; Cozad Telephone Company; Dalton Telephone Company; Elsie Communications, Inc.; Global Connection Inc of America; Granite Telecommunications; LLC; MCImetro Access Transmission Services, LLC; NorthStar Telecom, Inc.; Three River Telco; Three River Communications, LLC; Time Warner Cable Information Services (Nebraska), LLC; VCI Company d/b/a Vilaire Communications, Inc., Respondent(s). Commissioner Vap presiding as Hearing Officer: Angela Melton discussed the Hearing Officer's Order entered August 5, 2008, continuing the hearing previously scheduled for August 5, 2008 to September 23, 2008 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

911-022.09 In the Matter of NE Colorado Cellular, dba Viaero Wireless,
Fort Morgan, Colorado, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation:
Commissioner Vap presiding as Hearing Officer: Angela Melton discussed the Hearing Officer's Order entered August 4, 2008, scheduling a hearing for September 24, 2008 at 10:00 a.m. in the Commission Hearing Room, Lincoln. Ms. Melton also discussed the Hearing Officer's Order dated August 6, 2008, scheduling a deadline for filing information, due no later than August 13, 2008.

Angela Melton informed the Commission that the next Wireless E-911 Advisory Board will be held on October 6, 2008 at 10:00 a.m. at the Nebraska Law Enforcement Training Center, Library, 3600 North Academy Road, Grand Island.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-32.07 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Rules and Orders and to impose administrative fines: Motion made by Commissioner Jerry Vap, seconded by Commissioner Rod Johnson, to enter an order dismissing the Show Cause, in part. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-32.07 In the Matter of the Commission, on its own motion, seeking to conduct an inquiry into the failure of various companies to comply with Commission Rules and Orders and to impose administrative fines: Shana Knutson discussed the audit extension request from Extrix Telecom. Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve Entrix Telecom's request for an extension of time from August 24, 2008 to September 24, 2008, to file it's 2006 NUSF Remittance Worksheet audit. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NUSF-60.02 In the Matter of the Commission, on its own motion, seeking C-3945 to investigate Qwest Corporation's Access Rates: This matter was addressed during the Communication's Department agenda.

Shana Knutson discussed the NUSF Late-Filed Carrier Remittances. Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to levy late fees against AirCell, Inc., I-Wireless, Level 3 Communications, LLC, SBC Long Distance and TWC Digital Phone, LLC and that Complaints be opened against Helio, LLC and Applewood Communications. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

NATURAL GAS DEPARTMENT

NG-0036 In the Matter of Kinder Morgan, Inc., Lakewood, Colorado, NG-0039 seeking approval of a general rate increase; In the Matter

NG-0040 of the joint application of Kinder Morgan, Inc., Houston,

Texas; KM Retail Utilities Holdco LLC, Houston, Texas; SourceGas Distribution LLC, Lakewood, Colorado, SourceGas Holdings LLC, Stamford, Connecticut; and SourceGas LLC, Stamford, Connecticut; seeking approval of (1) the proposed transfer of Kinder Morgan, Inc.'s Nebraska Certificate of Convenience and utility assets to SourceGas Distribution LLC; and (2) the proposed change of control of SourceGas Distribution LLC from Kinder Morgan, Inc. to SourceGas LLC; and In the Matter of Kinder Morgan, Inc., Houston, Texas; KM Retail Utilities Holdco LLC, Houston, Texas; SourceGas Distribution LLC, Lakewood, Colorado, seeking approval of asset transfer of jurisdictional utility assets: Laura Demman discussed the Hearing Officer's Order entered August 12, 2008, scheduling a hearing for August 26, 2008, at 1:30 p.m., in the Commission Hearing Room, Lincoln.

NATURAL GAS DEPARTMENT (Cont.)

Laura Demman reported a total number of 32 consumer complaints and inquiries received by the Commission during July. For each company: Black Hills, n/k/a Aquila - 7; SourceGas - 22; and Other Entities 3.

RULES AND REGULATION

In the Matter of the Commission, on its own motion, seeking Rule and Regulation to amend Title 291, Chapter 10, Nebraska Universal Service Fund Rules and Regulations, to update the chapter in its entirety and to reorganize the chapter by the nature of the program supported by the NUSF. Commissioner Landis presiding as Hearing Officer: Motion made by Commissioner Jerry Vap, seconded by Com-Commissioner Rod Johnson, to approve the order revising proposed amendments, seeking comment and schedule a hearing for October 29, 2008, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE. Discussion was held regarding Rule 004.08. Motion made by Commissioner Anne Boyle, seconded by Commissioner Jerry Vap, to amend Rule 004.08 and approve the order as amended, seeking comment and scheduling a hearing for October 29, 2008 at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

LEGISLATIVE REPORT

LR 313 Voluntary dispute resolution procedure between railroads and utility service providers: Executive Director, Mike Hybl, informed the Commission of a meeting scheduled for August 22, 2008 at 9:00 a.m. in the Commission Hearing Room with the Legislature's Transportation and Telecommunications Committee Chair, staff and other interested parties.

TRANSPORTATION DEPARTMENT

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F and Tariff 22: The fuel surcharge in Tariff 7 was decreased to \$1.26 per mile, and the fuel surcharge in Tariff 22 was decreased to \$9.08.

GRAIN WAREHOUSE DEPARTMENT

GW-14	In the	e Matter c	of Lau	ırel Feed	&	Grain	Co.,	Laurel:	John
	Fecht	discussed	l the	shortage	of	corn	and	soybeans.	

GW-1599/ In the Matter of Alvo Grain and Feed, Inc., Alvo and Ash-GD-1599 land: John Fecht updated the Commission on the status of the insurance claim.

GENERAL ADMINISTRATION

Motion made by Commissioner Rod Johnson, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to approve the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Thomson West	\$ 815.00
Voyager	1,996.55
Gerald Vap	951.24

Commissioner Tim Schram left the Commission Hearing Room.

John Burvainis discussed the Budget Request for fiscal years 2009-10 and 2010-11.

Commissioner Frank Landis briefly left and returned to the Commission Hearing Room.

The meeting adjourned at 11:25 a.m. with Commissioners Anne Boyle, Rod Johnson, Frank Landis and Gerald Vap present with Commissioner Tim Schram excused. The next regularly scheduled meeting will be held on August 19, 2008, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on August 18, 2008.

Chair	Executive Director